

AMENDMENTS TO THE DRAWINGS

The attached "Replacement Sheets" of drawings include changes to Figures 3-6.

The attached "Replacement Sheets," which include Figures 3-6, replace the original sheets including Figures 3-6.

Attachment: Replacement Sheets

REMARKS

Claims 1-6, 9-17, 28, and 30-35 are now pending in the application. By this paper, Claims 1, 10, 28, 30-32, and 34-35 have been amended and Claims 7, 8, 18-27, and 29 have been cancelled without prejudice or disclaimer of the subject matter contained therein. The basis for these amendments can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

RESTRICTION REQUIREMENT

Applicants hereby affirm the election made on September 20, 2005 to prosecute the invention of Figure 3, Claims 1-6, 9-17, 28-33, and 35.

DRAWINGS

Applicants submit herewith three replacement sheets of drawings, which include changes to Figures 3-6. The changes made to Figure 3-6 correct typographical errors and therefore do not add new matter.

SPECIFICATION

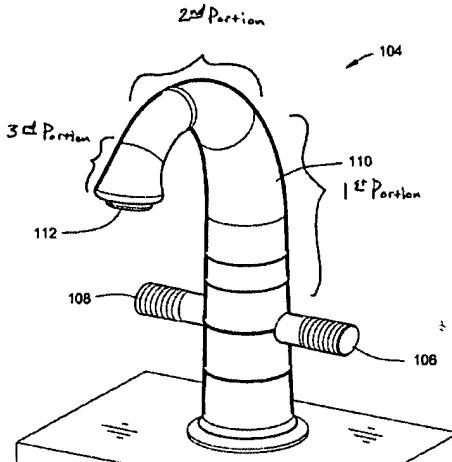
Applicants have amended the Specification at paragraphs 20, 27, and 35 to correct typographical errors. No new matter has been added.

REJECTION UNDER 35 U.S.C. § 112

Claims 11-16 stand rejected under 35 U.S.C. § 112, second paragraph, as failing to comply with the enablement requirement. The Examiner states that Claims 11-16 contain subject matter that was not described in the Specification in such a way as to enable one skilled in the art to which it pertains, or with which is most nearly connected, to make and/or use the invention. Specifically, the Examiner asserts that the Specification does not provide support for "a second portion extending generally perpendicularly to said first portion" of a water faucet neck.

This rejection is respectfully traversed.

Applicants respectfully submit that adequate support for a water faucet defining a neck having a second portion extending between first and third portions is adequately supported. Applicants have annotated FIG. 7 below to further clarify the definition of the first portion, second portion, and third portion of the water faucet neck. As can be seen from the annotated reproduction of FIG. 7 below, the second portion generally extends between the first portion and the third portion and is generally perpendicular to the first portion. In this manner, Applicants respectfully submit that Claim 11 is adequately supported by the Specification as originally filed. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.



Claims 1-4 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

This rejection is respectfully traversed.

Independent Claim 1 has been amended to replace the term “first control part” with the term “first control port.” In this manner, Applicants respectfully that independent Claim 1, as well as Claims 2-4, dependent therefrom, are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 10, 17, 28-33, and 35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Scheuermann (U.S. Pat. No. 3,987,819).

This rejection is respectfully traversed.

Independent Claim 10 calls for a water faucet including a valve cartridge positioned between first and second inlet ports and an outlet port. The valve cartridge includes a valve body having a valve inlet communicating with the first and second inlet ports of the water faucet and a valve outlet port axially offset from the valve inlet of the

valve cartridge and communicating with the outlet port of the water faucet. The valve cartridge further includes a first moveable disk having a first control port and a first pass-through port and a second moveable disk having a second control port and a second pass-through port. The first moveable disk is rotatable relative to the valve body to selectively align the first control port with the valve inlet port and the valve outlet port. Similarly, the second moveable disk is rotatable relative to the valve body to selectively align the second control port with the valve inlet port to provide fluid communication from the valve inlet port through the first pass-through port and the second control port to the valve outlet port.

In this manner, the present invention provides a water faucet having a valve cartridge disposed between an inlet and an outlet of the water faucet. The valve cartridge includes a first moveable disk having a first control port and a first pass-through port and a second moveable disk having a second control port and second pass-through port. The first moveable disk is rotatable relative to the valve body to selectively align the control port with the inlet and outlet ports of the faucet to control an amount of cold or hot water flowing through the valve cartridge and between the inlets and outlet of the water faucet. The second moveable disk is rotatable relative to the valve body to selectively align the control port with the inlets and outlet of the water faucet to control the other of hot and cold water flowing through the valve cartridge and therefore between the inlet and outlet of the water faucet. The pass-through ports of the first and second moveable disks allow fluid communication between the inlet ports and outlet port regardless of the position of the first and second moveable disks.

Scheuermann fails to teach a rotatable disk having a pass-through port and a control port. Scheuermann teaches a valve system for hot and cold liquids including a first disk (3) and a second disk (5) each having a pair of *control* ports. See Scheuermann at FIG. 11. Specifically, the first and second disks each include a pair of through flow openings (18, 24, respectively) that selectively permit water to flow between inlet ports (9) and outlet ports (12) of the valve system. See Scheuermann at col. 5, lines 9-15, lines 29-31, and FIG. 11.

As can be seen from FIG. 11 of Scheuermann, when the first rotatable disk is aligned such that the larger portion of the flow-through openings are aligned with the inlets, a maximum amount of water is permitted to flow between the inlets and the outlets of the valve system. However, when the smaller portions of the flow-through ports are aligned with the inlets, water is restricted from flowing between the inlets and the outlets of the valve system. Scheuermann fails to teach an opening permitting fluid communication between the disks when the respective control ports of the disks are restricting fluid flow. Therefore, Scheuermann fails to teach a valve system including first and second rotatable disks, whereby each of the rotatable disks includes both a control port and a pass-through port.

Because Scheuermann fails to teach a valve system including first and second rotatable disks each having a control port and a pass-through port, Applicants respectfully submit that Scheuermann fails to teach each and every element of the present invention. Accordingly, Applicants respectfully submit that independent Claims 10 and 28, as well as claims 17, 29-33, and 35, respectfully dependent therefrom, are in

condition for allowance. Therefore reconsideration and withdrawal of the rejection is respectfully requested.

Claim 28 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Williams (U.S. Pat. No. 5,127,438).

This rejection is respectfully traversed. The Examiner states that Williams teaches a handle (29) that extends through a side of a faucet housing (75) to rotate a disk (49) to control flow to a spout to (25). See Office Action mailed September 27, 2005 at page 4. Applicants respectfully submit that while Williams may teach a handle that extends through a side of a valve housing to rotate a disk relative to the valve housing, Williams fails to teach first and second rotatable disks each having a control port and a pass-through port. Therefore, Applicants respectfully submit that Williams fails to teach and every element of the claimed invention.

Because Williams fails to teach a valve system including first and second rotatable disks each having a control port and a pass-through port, Applicants respectfully submit that Williams fails to teach each and every element of the present invention. Accordingly, Applicants respectfully submit that independent Claim 28 is in condition for allowance. Therefore reconsideration withdrawal of the rejection is respectfully requested.

ALLOWABLE SUBJECT MATTER

The Examiner states that Claims 1-4 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112. The Examiner also states that Claims 30-31 would be allowable if rewritten to clarify that the “pass-through port” provides no flow control over the range of disk rotation that does provide control through the control port.

Applicants have amended independent Claim 1 as suggested by the Examiner. Specifically, Applicants have amended independent Claim 1 to call for a first control port rather than a first control part. Applicants respectfully submit that in light of the foregoing amendment, independent Claim 1, as well as Claims 2-4, dependent therefrom, are in condition for allowance.

Applicants have amended independent Claim 28 to include the allowable subject matter identified by the Examiner. Specifically, independent Claim 28 now calls for a flow-through valve including first and second rotatable disks, each including a control port and a pass-through port, whereby the control port controls fluid flow through one of the first and second rotatable disks and the pass-through port allows fluid communication between the first rotatable disk and second rotatable disk without controlling fluid flow therethrough. Applicants respectfully submit that independent Claim 28, as well as Claims 30-35, dependent therefrom, are in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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